

### REMARKS

Reconsideration is requested. Claims 1-9 are pending. Responsive to the Office Action of July 30, 2002, the Examiner's comments and the cited art have been noted and studied. For reasons to be set forth in detail below, it is respectfully submitted that the present application is in condition for allowance, and such action is requested.

Independent claim 1 has been amended to incorporate subject matter of original dependent claim 2. Dependent claims 2 and 3 have been canceled.

It is respectfully submitted that the amendments above are supported by the specification, claims, abstract of the disclosure, and drawings as originally filed, and that no new matter has been added.

#### Statutory Double Patenting Rejections

The subject matter of claims 1 and 3-9 were rejected as claiming the same invention as claims 1-8 of U.S. Patent No. 6,420,128 (hereinafter "the '128 patent"). Applicants note that claims 1-8 of the '128 patent are directed toward a composition of matter that includes a **non-bibulous** substrate (claims 1-7) and a reagent test strip (claim 8). Independent claim 1, as amended, is directed toward a composition of matter that includes a **bibulous** substrate. Applicants, therefore, respectfully submit that the invention of amended claim 1 is not the same as that of claims 1-7 of the '128 patent (due at least to the recitation of a bibulous substrate) or claim 8 of the '128 patent (since a composition of matter is not necessarily the same as a reagent test strip).

For at least the foregoing reason, Applicants submit that amended claim 1 is allowable over claims 1-8 of the '128 patent. Since claims 4-9 depend from and further limit independent claim 1, they are allowable for at least the same reason.

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Non-statutory Double Patenting Rejections

The subject matter of claims 1-9 was rejected for obviousness-type double patenting over claims 8-25 of the '128 patent. Applicants are prepared to submit a terminal disclaimer with respect to claim 1 and claims 4-9 if the subject matter of these claims at the time of allowance so warrants.

CONCLUSION

Applicants respectfully request that, in light of the amendments and explanations above, the Examiner reconsider and withdraw his rejections. Applicants respectfully submit that the claims are in condition for allowance. In the event that minor claim amendments are necessary to meet formal requirements, Applicants invite the Examiner to telephone the undersigned so that issuance can be expedited.

Respectfully submitted,

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